

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Federal-State Joint Board)	
On Universal Service)	CC Docket No. 96-45
)	
RCC Holdings, Inc.)	
Petition for Designation as an)	
Eligible Telecommunications Carrier)	DA 02-746
Throughout its Licensed Service Area)	
In the State of Alabama)	

MOTION TO SUSPEND PROCEDURAL DATES

The Alabama Rural Local Exchange Companies, individually¹ and as a group, (the “Alabama Rural LECs”) through their undersigned counsel, move to suspend the resolution date²

¹ The Alabama Rural LECs are composed of each of the following individual companies: Ardmore Telephone Company, Blountsville Telephone Company, Brindlee Mountain Telephone Company, Inc., Butler Telephone Company, Inc., Frontier Communications of Alabama, Inc., Frontier Communications of Lamar County, Inc., Frontier Communications of the South, Inc., Graceba Total Communications, Inc., GTC, Inc. (formerly known as the Florala Telephone Company), Gulf Telephone Company, Hayneville Telephone Company, Inc., Hopper Telecommunications Company, Inc., Interstate Telephone Company, Millry Telephone Company, Inc., Mon-Cre Telephone Cooperative, Inc., Moundville Telephone Company, Inc., New Hope Telephone Cooperative, Inc., Oakman Telephone Company, OTELCO Telephone LLC, Peoples Telephone Company, Ragland Telephone Company, Roanoke Telephone Company, Inc., Union Springs Telephone Company, Inc. and Valley Telephone Company.

² The Commission has previously indicated its commitment to resolve – within six months of filing, such designation requests, provided that the requests were properly before the Commission. *Federal-State Joint Board on Universal Service; Promoting Deployment and Subscribership in Unserved Areas, Including Tribal and Insular Areas*. Twelfth Report and Order, Memorandum Opinion and Order, and Further Notice of Proposed Rulemaking, CC Docket 96-45, 15 F.C.C.R. 12208 (2000). However, the Commission has also stated that the reason for its commitment to a 6-month decision time frame was to prevent unreasonable delay for a carrier's entry into the market. *Id.* at ¶¶ 94 and 114. RCC Holdings, Inc. is already in the market serving customers; thus, the Commission should not feel bound to resolve this particular designation request within six months.

regarding the Eligible Telecommunications Carrier designation request of RCC Holdings, Inc., in the above-captioned proceeding or, in the alternative, move to defer resolution of said designation request with regard to that portion of the request that encompasses areas of the state of Alabama served by rural carriers.

The designation request, or Petition of RCC Holdings, Inc. (“RCC”) for Designation as an Eligible Telecommunications Carrier throughout its Licensed Service Area in the State of Alabama (DA 02-746) was filed on March 19, 2002. **The request for a delay on a ruling on said designation would be until the Commission rules on the Petition for Rulemaking to define “Captured” and “New” Subscriber Lines for purposes of receiving Universal Service Support filed by the National Telephone Cooperative Association (“NTCA”) on July 26, 2002 and/or until the Commission issues a broader rulemaking focusing on portability and the language contained in the Universal Service Support rules.** If granted, this would require the Commission to delay resolution of the RCC designation request indefinitely. Based on the gravity of the issues involved, the Alabama Rural LECs would respectfully suggest that such a delay would be appropriate.

In support of this request, the Alabama Rural Local Exchange Carriers state as follows:

1. On July 26, 2002, NTCA filed a petition before the Commission for an expedited rulemaking to adopt safeguards that will prevent harm to the preservation and maintenance of universal service. That petition is currently pending.

2. The Commission has suggested that it currently plans a broader rulemaking on portability and the Universal Service Support Rules.³
3. On August 26, 2002, RCC revised its Petition for Designation as an Eligible Telecommunications Carrier throughout its Licensed Service Area in the State of Alabama, thereby constructively altering its original filing date from March 19, 2002 to August 26, 2002.
4. While the Commission has indicated its commitment to resolve designation requests such as RCC's within six months of filing, the Alabama Rural LECs are unaware of any formal rule *requiring* the Commission to resolve such requests within a six-month timeframe.

Wherefore, given the importance of the issues before the FCC in this matter, the existence of a Petition for Expedited Rulemaking on Portability, the indication that the FCC plans for a broader rulemaking on Portability and the Universal Service Support Rules, the recent amendment of the Petition for Designation as an ETC by RCC and the apparent lack of a formal rule requiring resolution of designation requests within six (6) months, and a plea from the undersigned for a delay, the Alabama Rural LECs respectfully request an extension of any ruling on RCC Holdings, Inc.'s designation request indefinitely, or, in the alternative an extension of any ruling on RCC Holdings, Inc.'s designation request indefinitely with regard to that portion of the request that encompasses areas of the state of Alabama served by rural carriers.

³ See, *Separate Statement of Commissioner Kathleen Q. Abernathy, In the Matter of Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, FCC 02J-01, p. 41 (rel. Jul. 10, 2002).

Respectfully submitted,

/s/Mark D. Wilkerson

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September 16, 2002

CERTIFICATE OF SERVICE

I, LEAH S. STEPHENS, of Brantley, Wilkerson & Bryan, P.C., hereby certify that copies of the Alabama Rural LECs' MOTION TO SUSPEND PROCEDURAL DATES were served on the following by mailing the same to them by United States mail, first-class postage pre-paid, at the address shown below on this the 16th day of September, 2002.

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